

## **BOARD OF APPEALS MINUTES**

**August 13, 2002**

**On Tuesday August 13, 2002 at 7 p.m. the Clarence Board of Appeals heard the following requests for variances:**

**OLD BUSINESS**  
**Ken Stephan**

**9800 & 9820 LAPP ROAD**

**APPEAL NO I**  
**Marc Silvestri**  
**Agricultural**

**Requests the Board of Appeals approve and grant a one hundred fifty foot (150') variance creating a two hundred fifty foot (250') front yard setback for the construction of a new home at 5805 Strickler Road.**

**APPEAL NO I is in variance to Article V, section 30-27 B, size of yards.**

**APPEAL NO II**  
**John J. Campagna**  
**Commercial**

**Requests the Board of Appeals approve and grant a four foot (4') variance creating a one foot (1') side lot setback for construction of a detached garage at 9138 Main Street.**

**APPEAL NO II is in variance to Article VIII, section 30-47 B, accessory buildings.**

**APPEAL NO III**  
**Timothy & Nancy Girard**  
**Residential A**

**Requests the Board of Appeals approve and grant a six foot (6') variance creating a twenty nine foot (29') front yard setback for the construction of a new porch at 8683 Howard Drive.**

**APPEAL NO III is in variance to Article II, section 30-12 A, size of yards.**

**APPEAL NO IV**  
**Andrew Lueth**  
**Residential B**

**Requests the Board of Appeals approve and grant a twenty three foot (23') variance creating a twenty two foot (22') front yard setback for construction of a new attached garage at 4760 Ransom Road.**

**APPEAL NO IV is in variance to Article II, section 30-12 B, size of yards.**

**APPEAL NO V**  
**Jeffrey Smith**  
**Agricultural**

**Requests the Board of Appeals approve and grant a fifteen foot (15') variance creating a thirty foot (30') front lot line setback from Christian Drive for the construction of an addition at 4490 Shimerville Road.**

**APPEAL NO V is in variance to Article V, section 30-27 A, size of yards.**

**ATTENDING:**      **John P. Brady**  
                         **John Gatti**

**Arthur Henning  
Ron Newton  
Raymond Skaine  
Eric Heuser  
Councilwoman Guida  
James Callahan  
James Hartz**

**INTERESTED  
PERSONS:**

**Marc Silvestri  
Timothy Girard  
Nancy Girard  
Andrew Lueth  
Jeffrey Smith  
Karen Smith  
John Campagna**

**OLD BUSINESS**  
**Ken Stephan**

**9820 LAPP ROAD**

**Motion by Raymond Skaine, seconded by Ronald Newton. The Zoning Board of Appeals has agreed to allow an additional 40 foot setback for a total front yard setback not to exceed 690 feet at 9820 Lapp Road. The original appeal was dated April 9, 2002.**

**ALL VOTING AYE. MOTION CARRIED.**

**APPEAL NO I**  
**Marc Silvestri**  
**Agricultural**

**Requests the Board of Appeals approve and grant a one hundred fifty foot (150') variance creating a two hundred fifty foot (250') front yard setback for the construction of a new home at 5805 Strickler Road.**

**DISCUSSION:**

**Mr. Silvestri said he would like to centrally locate his home on his property which has 500 feet of frontage. He would like the home to line up with the existing homes on the south side of his property. They will probably be placing the home at 200 or 225 but they wanted some leeway. The property to the north is Mike Mc Hugh's property. Scott Trapp is building a home there. Ray Skaine said he wished there had been a road and stakes there. He is going to vote no, because he doesn't know what he is voting on. Mr. Silvestri said Greg Ribbeck was supposed to come in and cut a path down, but he didn't get around to it. Ron Newton said he couldn't see the stakes either. Mr. Trapp is building his house at 110 which is what Mr. Mc Hugh agreed the lot setback would be. His neighbor to the south is at 200 feet, as well as several other homes to the south. Barbara Guida is the third house to the south, and she said she is between 200 and 225 feet. The driveway was staked. It is in the least dense part of the lot. Arthur Henning asked if he could sell off lots. Mr. Silvestri said he is not looking to sell lots, he is looking for privacy. John Brady said he has no objections, with all the other houses in the area with deep setbacks.**

**ACTION:**

**Motion by John Gatti seconded by Arthur Henning to approve Appeal No I as written.**

John Gatti     AYE  
Ray Skaine    NAY for reasons stated  
Ron Newton   NAY for reasons stated  
Art Henning   AYE  
John Brady    AYE

**MOTION CARRIED.**

**APPEAL NO II  
John Campagna  
Commercial**

**Requests the Board of Appeals approve and grant a four foot (4') variance creating a one foot (1') side lot setback for construction of a detached garage at 9138 Main Street.**

**DISCUSSION:**

**The problem is the septic system is right there, and he needs clearance for that. Ron Newton asked why the applicant didn't use the other side of the house where he has seventy feet. Mr. Campagna said he changed the original garage into a family room and that leads into the kitchen. He felt that the traffic flow of rooms would be better if the garage was on the east side of the property. His neighbor does not have a problem with it.**

**ACTION:**

**Motion by John Gatti, seconded by Arthur Henning to approve Appeal No II as written.**

John Gatti             AYE  
Raymond Skaine       AYE  
Ronald Newton       NAY  
Arthur Henning       AYE  
John Brady            AYE

**MOTION CARRIED.**

**APPEAL NO III  
Timothy & Nancy Girard  
Residential A**

**Requests the Board of Appeals approve and grant a six foot (6') variance creating a twenty nine foot (29') front yard setback for construction of a new porch at 8633 Howard Drive.**

**DISCUSSION:**

**They were in the process of building when the front setback problem was discovered. It will be a covered porch, not enclosed. The current roof line allows a great deal of water and ice to build up in the winter. They had leaking by the door and the window in the living room. Their architect recommended that they add a porch, and alter the roof line. Ron Newton said he did not have a problem with it. No one on the board had a problem with the request.**

**ACTION:**

**Motion by Raymond Skaine, seconded by Ron Newton to approve Appeal No III as written.**

**ALL VOTING AYE. MOTION CARRIED.**

**APPEAL NO IV  
Andrew Lueth  
Residential B**

**Requests the Board of Appeals approve and grant a twenty three foot (23') variance creating a twenty two foot (22') front yard setback for construction of a new attached garage at 4760 Ransom Road.**

**DISCUSSION:**

**The house does not have a garage, it was turned into a family room before they bought the house. They need a two car garage. At the present time they keep their cars outside. A detached garage in the back would also require a variance. The septic system is in the back, and there is a hill to contend with. No one had any real problem with this request.**

**ACTION:**

**Motion by John Gatti, seconded by Raymond Skaine to approve Appeal No IV as written.**

**ALL VOTING AYE. MOTION CARRIED.**

**APPEAL NO V**  
**Jeffrey Smith**  
**Agricultural**

**Requests the Board of Appeals approve and grant a fifteen foot (15') variance creating a thirty foot (30') front lot line setback from Christian Drive for the construction of an addition at 4490 Shimerville Road.**

**DISCUSSION:**

**The applicants would like to add a family room, dining room, and a two and a half car garage addition. Their present garage which is detached will be torn down. John Gatti said this is a big project, and will do wonders for that corner. No one had an objections to the request.**

**ACTION:**

**Motion by John Gatti, seconded by Ronald Newton to approve Appeal No V as written.**

**ALL VOTING AYE. MOTION CARRIED.**

**Meeting adjourned at 8:00 p.m.**  
**John Brady, Chairman**